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Attorneys for Plaintiff
CROSSFIT, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CROSSFIT, INC., a Delaware
corporation,

Plaintiff,

v.

NATIONAL STRENGTH AND
CONDITIONING ASSOCIATION, a
Colorado corporation,

Defendant.

Case No. 3:14-cv-01191-JLS-KSC

**PLAINTIFF'S APPLICATION TO
FILE MATERIALS UNDER SEAL**

Judge: The Honorable Janis L.
Sammartino

Hearing date: June 16, 2016 at 1:30pm
Courtroom: 4A

Pursuant to Local Rule 79.2 and Chambers Rule IX, Plaintiff hereby applies to file certain documents, listed below, under seal (the “Application”). Redacted copies of these documents will be publicly filed.

1. Plaintiff’s Memorandum of Points and Authorities in Support of Plaintiff’s Motion for Partial Summary Judgment on the Element of Falsity;

2. Separate Statement of Undisputed Material Facts in Support of Plaintiff’s Motion for Partial Summary Judgment on the Element of Falsity;

3. Declaration of Justin S. Nahama in Support of Plaintiff’s Motion for Partial Summary Judgment on the Element of Falsity (the “Nahama Declaration”);

4. Exhibits D through N, O, P, T, U, V, and KK to the Nahama Declaration.

This application is made on the grounds that:

1. “Compelling reasons” exists to allow public filing of the redacted documents, and sealing of the unredacted versions. *Foltz v. State Farm Mut. Auto Ins Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

2. The redacted content in Exhibits D-N and KK consists of the names of the study coordinator and participants in the study described in the Memorandum of Points and Authorities in Support of Motion for Partial Summary Judgment on the Element of Falsity. They are all non-parties. This application is made in order to protect these non-parties from the risk of undue burden, harassment, and annoyance, and to protect their sensitive personal information, including medical information.

3. The Application balances the public’s interest in disclosure by seeking primarily the redaction of names and limited substantive content. *See In re Midland Nat’l Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1120 (9th Cir. 2012) (ordering “the district court [to] permit the parties in the underlying cases to redact sensitive personal . . . information before unsealing the records”).

6. Exhibit O to the Nahama Declaration is a document containing sensitive business information that CrossFit, Inc. previously designated “Confidential” pursuant to the Protective Order in this action.

Respectfully submitted,

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO PC

Micha Danzig, Esq.
Justin S. Nahama, Esq.

Case No. 3:14-cv-01191-JLS-KSC

CERTIFICATE OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of San Diego, State of California, and am not a party to the above-entitled action.

On April 6, 2016, I filed a copy of the foregoing document by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Executed on April 6, 2016, at San Diego, California. I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

s/Justin S. Nahama

Justin S. Nahama, Esq.